Remarks

For the Specification:

Applicant amends the specification to correct minor typographical and/or grammatical errors. These amendments add no new subject matter.

For the Claims:

Applicant submitted claims 1-30. This Office Action rejects all claims. In particular, claims 1-9 are rejected under 35 U.S.C. §101, claims 4, 13, and 26 were rejected under 35 U.S.C. §112, second paragraph. Claims 1-3, 10-12, and 23-25 were rejected under 35 U.S.C. §102(b) as being anticipated by *Levine*, et. al. (WO95/12169, hereinafter "*Levine*"), and claims 4-9, 13-22, and 26-30 were rejected under 35 U.S.C. §103(a) as being obvious over *Levine* in combination with *Boston* (EP0251619, hereinafter "*Boston*").

The present amendment amends claims 1, 4, 13, 20, and 26. Claims 2 and 9 are canceled, and claims 31-40 are newly presented herein. Applicant respectfully requests reconsideration.

Claim Rejection - 35 U.S.C. §101

Section 3 of the Office Action details a rejection of claims 1-9 under 35 U.S.C. §101, alleging that claims 1-9 have no connection to the technological arts. The present amendment amends independent claim 1 to clearly recite a connection to the technological arts. Claim 1 expressly recites that the defined method is a "data processing" method and that it is "performed in a data processing system." Accordingly, this rejection is overcome with respect to claim 1 because a connection to the technological arts is recited. Claims 2 and 9 are canceled

herein. Since claims 3-8 depend from claim 1, this rejection is also overcome with respect to claims 3-8.

New independent claim 37 and dependent claims 38-40 which depend therefrom recite "a method of operating a data processing system". This recital forms a connection to the technological arts and suggests away from a method performed manually by a person. Thus, new claims 37-40 are also allowable under 35 U.S.C. §101.

Claim Rejection - 35 U.S.C. §112, second paragraph

Sections 4 and 5 of the Office Action detail a rejection of claims 4, 13, and 26 under 35 U.S.C. §112, second paragraph. In particular, the rejection alleges that the phrase "and/or" included in the originally-filed claims 4, 13, and 26 made the claims unclear. Each of the originally-filed claims 4, 13, and 26 generally recited two conditions connected with the inclusive disjunctive "and/or". Each of these claims has been amended herein to remove the offending phrase. The present amendment places one of the two conditions in claims 4, 13, and 26, the other of the two conditions in new claims 31, 33, and 35, and both of the conditions in new claims 32, 34, and 36. Any lack of clarity which may have been present in the originally-filed claims 4, 13, and 26 is now clarified. Accordingly, the 35 U.S.C. §112, second paragraph rejection is overcome with respect to claims 4, 13, and 26. And, new claims 31-36 are also allowable under 35 U.S.C. §112, second paragraph.

Claim Rejections - 35 U.S.C. §102(b

Sections 6 and 7 of the Office Action detail a 35 U.S.C. §102(b) rejection of claims 1-3 under *Levine*, sections 9 and 10 detail a 35 U.S.C. §102(b) rejection of claims 10-12 under

Levine, and sections 12 and 13 detail a 35 U.S.C. §102(b) rejection of claims 23-25 under *Levine*.

Levine teaches a method and apparatus for distributing currency, not a way for determining a currency to use in a payment card transaction. *Levine* specifically teaches a magnetic stripe card issued to a customer and having a customer-selectable monetary value. The customer-selectable monetary value is configured with an encoded card number, including a bank identification number and an account number. This setup allows the cards to be used as electronic travelers cheques (ETC). According to *Levine*, a central card processor establishes a zero balance database where the card numbers are associated with blank fields for customer data and account values. When a customer purchases a card from a card sales agent, the agent transmits purchase data to a central database computer of the central card processor. The purchase data is used to fill the blank fields associated with the card number. At the end of the card-purchase transaction an acknowledgment is transmitted to the card sales agent. *Levine* teaches nothing about controlling a currency selection when making a card-purchase transaction.

The electronic travelers cheques (ETCs) taught by *Levine* are unrelated to charge, debit, or credit cards. The ETCs are limited to making cash withdrawals or cash transfers from automatic teller machines (ATM's) or other cash-dispensing terminals (see *Levine* at the abstract and page 3 lines 2 to 11). Indeed, the selection of currency in *Levine* operates in the same manner as existing payment cards. For example, if cash is withdrawn from a European ATM, only Euros are dispensed; and, if cash is withdrawn from a US ATM, only US Dollars are dispensed. Likewise, if goods or services are purchased in Europe using an

ETC, the transaction is performed only in Euros; and, if goods are purchased in the US using the ETC, the transaction is performed only in US Dollars.

Levine teaches nothing about controlling a currency selection when engaging in goods or services (or other) transactions. The currency of any transaction, which is limited to cash withdrawals or cash transfers, is not associated with the ETC number. Instead, the currency is always the currency of the ATM or the other terminal (see *Levine* at page 7 lines 29-33). Thus, *Levine* teaches merely an example of the prior art systems discussed in the background of the present application at page 3 lines 23-30, and *Levine* suffers from the same problems discussed in the background.

Applicant's claim 1 recites the element of "setting the currency for association with the payment card transaction as the determined operating currency for the identifier code." Applicant's claim 10 recites "means for setting the currency for association with the payment card transaction as the determined operating currency for the issuer code". Applicant's claim 23 recites "a computer code section which when executed on the computing device sets the currency for association with the payment card transaction as the determined operating currency for the issuer code". And, applicant's new claim 37 recites "indicating said operating currency as being a preferred currency of exchange for said financial transaction". Collectively, these features are referred to as a "transaction-currency-setting feature" for the purposes of this discussion.

According to *Levine*, all transactions take place using only one fixed merchant currency. No capability exists for using any

other currency in the transaction or for setting the transaction currency to any currency other than the merchant's currency. Thus, *Levine* fails to disclose, for example, applicant's transaction-currency-setting feature. Since *Levine* fails to disclose the transaction-currency-setting feature, none of claims 1, 10, 23, or 37 are anticipated by *Levine*. Claim 3 depends from claim 1, claims 11-12 depend from claim 10, claims 24-25 depend from claim 23, and claims 38-40 depend from claim 37. Accordingly, neither are any of these dependent claims anticipated by *Levine*. Reconsideration is respectfully requested.

Claim Rejections - 35 U.S.C. §103(a)

Neither would claims 1-3, 10-12, 23-25 or 37-40 be obvious under *Levine*. *Levine* fails to teach a method including a payment card terminal and in which the card number (i.e., the ETC number applied to the ETC card at manufacturing, as opposed to a Personal Identification Number) is obtained. There are no teachings in *Levine* pertaining to identifying an identifier code from the card number, nor does *Levine* teach of determining the operating currency for the identifier code or setting the determined currency as the preferred transaction currency. Moreover, *Levine* does not teach an ETC which can be cashed in a variety of currencies, nor does *Levine* teach of an ETC that can be used to pay in a currency other than that of the country or merchant where the ETC is used, for instance to pay for goods or services in the currency of the country of residence rather than the country visited. Accordingly, *Levine* falls far short of providing any suggestion for the many modifications that would be necessary before the *Levine* ETC card would resemble the claimed invention.

Section 8 of the Office Action details a 35 U.S.C. §103(a) rejection of claims 4-9 under *Levine* in combination with *Boston*, section 11 details a 35 U.S.C. §103(a) rejection of claims 13-22 under *Levine* in combination with *Boston*, and section 14 details a 35 U.S.C. §103(a) rejection of claims 26-30 under *Levine* in combination with *Boston*. *Boston* fails to provide the teaching or suggestion that is missing from *Levine* with respect to any of the claims currently pending in the present application.

Boston teaches a transaction card, which is configured with a microprocessor and a memory (see *Boston* at page 7, references 20, 22, 24, and 30) in which to store a transaction limit and exchange rates. The *Boston* card is further configured with data entry means (see *Boston* at page 8 reference 28) with which to update the limit and rates. *Boston* further teaches methods of approving a transaction value, including a transaction involving an alternative currency.

Like *Levine*, the transaction currency in *Boston* remains that of the merchant in all cases. The *Boston* card only exchanges the transaction amount from the issuer's base currency into the local, alternative currency of the merchant. Moreover, the currency must be actively selected by the cardholder (page 11, lines 5 to 7), because the card stores exchange rates, not the terminal.

Accordingly, *Boston*, like *Levine*, fails to teach the same transaction-currency-setting feature that was discussed above. Since neither *Levine* nor *Boston* teach this feature which is present in all claims, no combination of the *Levine* and *Boston* references can provide a teaching for transaction-currency-setting feature.

Moreover, *Boston* fails to teach inputting a card number (i.e., the number applied to the card at manufacturing time, as opposed to the Personal Identification Number taught) in a terminal by way of data input means. There are no teachings in *Boston* pertaining to identifying an issuer code from the card number, nor does *Boston* teach of determining the operating currency for the issuer code or setting the determined operating currency as the preferred transaction currency.

On a practical level, the card taught by *Boston* is fraught with problems. The *Boston* card suffers from being both expensive and cumbersome. The *Boston* card requires configuration (i.e., manufacture) with processing means 20, memory means 22, 24, and 30, data input means 28-40, display means 50, and at least one power source 60. This makes it prohibitively expensive for many applications and limits the amount of installed hardware with which the card is compatible. Secondly, it requires quite a lot of pro-activity from the cardholder with preemptively entering exchange rates first received from the issuer (Block 102), supplying the card issue with travel details and dates (Block 104), and configuring the card for foreign currency operation (steps 202 - 206). This makes it difficult to use.

The present invention as defined by independent claims 1, 10, 23, and 37 and by the claims that depend therefrom solves many of the problems of the *Boston* card. A well-understood, publicly-accepted, and inexpensive, magnetic stripe card may be used in implementing the present invention. This improves upon *Boston's* difficulty-of-use problem as well as *Boston's* expensive-card problem and hardware compatibility problem.

Accordingly, none of independent claims 1, 10, 23 or 37 are obvious under *Levine* or *Boston*, either alone or in combination with one another. Likewise, for reasons of dependency alone, none of dependent claims 3-8, 11-22, 24-36, or 38-40 are obvious under *Levine* or *Boston*, either alone or in combination with one another.

Applicant believes that the foregoing amendments and remarks are fully responsive to the rejections and/or objections recited in the 25 March 2004 Office Action and that the present application is now in a condition for allowance. Accordingly, reconsideration of the present application is respectfully requested. The examiner is respectfully invited to call the below-listed attorney of record to resolve any outstanding issues.

Respectfully submitted,

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